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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,532	02/18/2004	Kevin M. Toler	N1274.80000	2438
7590	04/07/2005		EXAMINER MILLER, JONATHAN R	
Anthony P. Tokarz Post Office Box 1386 Charleston, WV 25325-1386			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/781,532

Applicant(s)

TOLER ET AL.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040218.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Couture. The reference discloses a plate (14) having an upper and lower surface and a plurality of holes disposed through the thickness of the plate; a plurality of duplex jaws (16), wherein the number of duplex jaws equals the number of holes in the plate, and wherein each duplex jaw has an upper and lower surface, has an incurved section along the upper surface of each duplex jaw (Fig. 5), the length of which is less than the overall length of the upper surface, and has a raised flat section at either end of the upper surface of each duplex jaw (Fig. 5); an attachment rod (38), the proximal end of which is in communication orthogonally to the center of each duplex jaw (Fig. 4); and d. clamping means (48) for utilizing the attachment rod to draw together the duplex jaw and the plate against the lower and upper surfaces, respectively, of the screen.

2. With regards to claim 2, the reference further discloses the plate is comprised of a plurality of opening or slots through its thickness, sized and spaced equally to that of the damaged screen (col. 1, lines 25+).

3. With regards to claim 3, the reference further discloses the plate is steel, aluminum or a resilient polymer (col. 2, lines 45+).

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4. With regards to claim 4, the reference further discloses the resilient polymer is polyurethane (col. 2, lines 45+).

5. With regards to claim 8, the reference further discloses placing a plate, having an upper and a lower surface and a plurality of holes disposed through the thickness of the plates, onto the upper surface of the screen, covering the damaged or worn section, with the lower surface of the plate in communication with the upper surface of the screen; b. registering a clamping arm, comprised of a duplex jaw with an upper surface with two flat areas on the upper surface and an attachment rod, with the plate, wherein the distal end of the attachment rod passes between elements of the screen and engages with one of the holes in the plate and the flat areas of the duplex jaws engage with the lower surface of the screen; and engaging a clamping means on the clamping arm for compressing the lower surface of the plate and the flat areas of the duplex jaws against either side of the screen elements (see above).

6. Claims 1, 3, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by DiCarlantonio at al. The reference discloses a plate (6) having an upper and lower surface and a plurality of holes disposed through the thickness of the plate; a plurality of duplex jaws (11), wherein the number of duplex jaws equals the number of holes in the plate, and wherein each duplex jaw has an upper and lower surface, has an incurved section along the upper surface of each duplex jaw (37), the length of which is less than the overall length of the upper surface, and has a raised flat section (36) at either end of the upper surface of each duplex jaw; an attachment rod (base section of pin), the proximal end of which is in communication orthogonally to the center of each duplex jaw; and d. clamping means (37) for utilizing the attachment rod to draw

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together the duplex jaw and the plate against the lower and upper surfaces, respectively, of the screen.

7. With regards to claim 3, the reference further discloses the plate is steel, aluminum or a resilient polymer (col. 5, lines 12+)

8. With regards to claim 4, the reference further discloses the resilient polymer is polyurethane (col. 5, lines 12+)

With regards to claim 8, the reference further discloses placing a plate, having an upper and a lower surface and a plurality of holes disposed through the thickness of the plates, onto the upper surface of the screen, covering the damaged or worn section, with the lower surface of the plate in communication with the upper surface of the screen; b. registering a clamping arm, comprised of a duplex jaw with an upper surface with two flat areas on the upper surface and an attachment rod, with the plate, wherein the distal end of the attachment rod passes between elements of the screen and engages with one of the holes in the plate and the flat areas of the duplex jaws engage with the lower surface of the screen; and engaging a clamping means on the clamping arm for compressing the lower surface of the plate and the flat areas of the duplex jaws against either side of the screen elements (see above).

#### *Claim Objections*

9. Claim 1 is objected to because of the following informalities: "An" should be "an".

Appropriate correction is required.

#### *Specification*

10. The disclosure is objected to because of the following informalities: page 6, paragraph 22, "string" should be "spring".

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Appropriate correction is required.

*Allowable Subject Matter*

11. Claims 5 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose or render obvious the lower surface plate being incurved or the plurality of cauls.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571)272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571)272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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